

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 OIC-04 AF-10 ARA-16 EA-11 EUR-25

NEA-10 RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-07 PA-04 PRS-01 SPC-03 SS-20 USIA-15

ACDA-19 DPW-01 OMB-01 COA-02 DLOS-06 DRC-01 /195 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 4689

UNCLAS GENEVA 1754

E.O. 11652: N/A

TAGS: ICRC, PARM, AS

SUBJECT: GENEVA CONFERENCE ON LAW OF WAR

REFERENCE: (A) GENEVA 1470 (B) STATE 52114

1. AS INDICATED REF (A), ALDRICH STATEMENT PREVIOUSLY TRANSMITTED VIA USIS US INFO CHANNEL. TIME SLUGS FOR 3 TAKES COVERING SPEECH ARE (A) 051355, (B) 051405, AND (C) 051415.

2. PER REQUEST REF (B), FULL TEXT OF ALDRICH GENERAL DEBATE STATEMENT AT SUBJECT CONFERENCE, GIVEN MARCH 5, FOLLOWS.
BEGIN TEXT:

"MR. PRESIDENT:

"THROUGHOUT THE YEARS OF PREPARATORY WORK FOR THIS CONFERENCE, MY DELEGATION HAS EMPHASIZED TWO FUNDAMENTAL OBJECTIVES. THESE OBJECTIVES ARE, FIRST, TO OBTAIN BETTER IMPLEMENTATION OF AND COMPLIANCE WITH EXISTING INTERNATIONAL LAW AND, SECOND, TO DEVELOP NEW RULES OF LAW THAT ARE CLEAR, ARE CAPABLE OF BEING ACCEPTED BY STATES, AND ARE CAPABLE OF BEING APPLIED IN PRACTICE.

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IN OUR JUDGEMENT, FAILURE TO ADHERE TO THESE OBJECTIVES

WOULD CREATE AN ILLUSION OF PROGRESS CAPABLE ONLY OF
OBSCURING THE REALITY, AND THAT ONLY UNTIL PUT TO THE
TEST.

"THESE OBJECTIVES ARE STILL VALID. CERTAINLY
COMPLIANCE WITH THE LAW HAS NOT BEEN AS GENERAL AS ONE
MIGHT WISH IN RECENT YEARS. ON THE CONTRARY, WE HAVE
SEEN REPEATED REFUSALS TO COMPLY WITH THE GENEVA
CONVENTIONS OF 1949, REFUSALS TO TREAT MILITARY PERSONNEL
CAPTURED IN BATTLE AS PRISONERS OF WAR, EFFORTS TO USE
PRISONERS TO OBTAIN POLITICAL ADVANTAGES--IN EFFECT TO
HOLD THEM FOR RANSOM--AND MANY FORMS OF WARFARE THAT
SEEM TO MAKE A TARGET OF THE CIVILIAN POPULATION. ONE
MUST ASK WHETHER THE CLOCK IS BEING TURNED BACK TO AN
EARLIER AGE WHEN THE RANSOMING OF PRISONERS WAS STANDARD
PRACTICE AND THE CIVILIAN NONCOMBATANT WAS FAIR GAME. ONE
MUST ALSO ASK WHETHER WE ARE NOT, ALMOST UNCONSCIOUSLY,
ACQUIESCING IN THE TAKING OF HOSTAGES AND THE USE OF
TERRORISM AS ACCEPTED METHODS OF BARGAINING.

"THE ARGUMENT THAT THE END JUSTIFIES THE MEANS IS
THE SOLE DEFENSE ADVANCED FOR THESE DISTRESSING DEVELOP-
MENTS. AND THAT ARGUMENT IS, AS WE ALL KNOW, THE
ANTITHESIS OF INTERNATIONAL HUMANITARIAN LAW, AND, IN
PARTICULAR, OF THE GENEVA CONVENTIONS. THE PHILOSOPHY
OF THE GENEVA CONVENTIONS IS CONCERN, NOT FOR WHO IS RIGHT
AND WHO IS WRONG, BUT RATHER FOR THE PROTECTION OF ALL
VICTIMS OF ARMED CONFLICT, NO MATTER WHAT THE CAUSE THEY
SUPPORT. MY GOVERNMENT FIRMLY BELIEVES THAT THIS
CONFERENCE SHOULD REAFFIRM THE PHILOSOPHY OF THE GENEVA
CONVENTIONS AND REFLECT ANY EFFORTS THAT MAY BE MADE TO
INTRODUCE INTO THE LAW DISCRIMINATION IN LEVELS OF
PROTECTION BASED ON SUBJECTIVE CRITERIA, SUCH AS THE
JUSTNESS OF THE CAUSE FOR WHICH A PARTICULAR GROUP IS
FIGHTING. WE MUST INSIST THAT AGREED HUMANITARIAN
STANDARDS ARE COMPLIED WITH IN EQUAL MEASURE FOR THE VICTIMS
OF WAR WHOSE CAUSE WE HATE, AS WELL AS THOSE WHOSE CAUSE
WE SUPPORT.

"INTRODUCTION INTO INTERNATIONAL HUMANITARIAN LAW
OF "JUST WAR" CONCEPTS WOULD ALMOST INVARIABLY RESULT IN
LOWERING THE STANDARDS OF PROTECTION ACCORDED WAR VICTIMS.
RARE IS THE MAN WHO THINKS HIS ENEMY IS RIGHT. EVEN RARER
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IS THE STATE WHICH, WHEN COMBATING A REBELLION, COULD
AFFORD TO APPLY INTERNATIONAL STANDARDS TO CAPTURED REBELS,
IF BY SO DOING IT IMPLICITLY ACKNOWLEDGED THE JUSTNESS OF
THE REBELS' CAUSE OR THEIR RIGHT TO SELF-DETERMINATION.
IF WE ARE TO SUCCEED IN THE DEVELOPMENT OF THE PROTOCOLS
BEFORE US, WE MUST MAKE LAW TO PROTECT ALL WAR VICTIMS,
FRIENDS AND ENEMIES ALIKE.

"WE MUST NOT FORGET THAT THIS CONFERENCE IS A TEST

OF WHETHER IT IS STILL POSSIBLE TO MAKE RESPONSIBLE AND ACCEPTABLE LAW IN A UNIVERSAL FORUM. THIS QUESTION IS ALSO BEING TESTED IN THE CONFERENCE ON THE LAW OF THE SEA. IN MY COUNTRY, AND I BELIEVE IN OTHER COUNTRIES, THERE ARE SOME SKEPTICS WHO SAY THAT THE WORLD COMMUNITY HAS BECOME TOO LARGE AND ITS INTERESTS TOO DIVERSE FOR SUCH CONFERENCES TO SUCCEED. THESE SKEPTICS ASSERT THAT ONLY THROUGH CONVENTIONS DRAWN UP BY LIKE-MINDED STATES CAN REAL PROGRESS BE MADE, AND THEY POINT AS EXAMPLES TO THE RECENT CONVENTIONS DEALING WITH THREATS TO INTERNATIONAL CIVIL AVIATION. DOUBTLESS THESE SKEPTICS COULD ALSO POINT TO THE FIRST TWO WEEKS OF THIS CONFERENCE AS PROVING THAT STATES ARE UNABLE TO RESIST THE TEMPTATION TO PURSUE SHORT-TERM POLITICAL INTERESTS AT THE EXPENSE OF SUBSTANTIVE WORK OF THE CONFERENCE. I URGE MY COLLEAGUES HERE TO KEEP THESE CONCERNS IN MIND, TO CONCENTRATE ON THE SUBSTANCE OF OUR WORK--THE REAFFIRMATION AND THE DEVELOPMENT OF THE LAW--AND TO STOP TREATING THIS CONFERENCE LIKE A BRANCH OF THE UNITED NATIONS GENERAL ASSEMBLY WHERE SPECIAL INTERESTS CAN BE PUSHED. I AM DISTURBED TO LEARN, FOR EXAMPLE, THAT CERTAIN DELEGATIONS ARE STILL TRYING IN THE WORK ON RULES OF PROCEDURE TO PROMOTE FURTHER THE STATUS OF NATIONAL LIBERATION MOVEMENTS AT THIS CONFERENCE. THE MOVEMENTS ARE HERE; THEY HAVE THE RIGHT TO PARTICIPATE IN OUR WORK. WE SHOULD BE SATISFIED. HERE IS A PERFECT EXAMPLE OF THE TYPE OF EFFORT TO EXTRACT FROM THE CONFERENCE THE MAXIMUM OF PERCEIVED POLITICAL ADVANTAGES WITHOUT REGARD TO THE COST THAT THREATENS THE FUTURE OF INTERNATIONAL LAW MAKING. THERE SHOULD BE NO DOUBT THAT GOVERNMENTS REPRESENTING HUNDREDS OF MILLIONS OF PEOPLE AND SHOWING A SERIOUS INTEREST IN THE DEVELOPMENT OF INTERNATIONAL LAW WILL NOT, IN THE END, PERMIT THEIR COOPERATIVE EFFORTS IN LAW-MAKING TO BE FRUSTRATED BY UNCLASSIFIED

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GOVERNMENTS THAT SHOW LITTLE INTEREST IN THE SUBJECT AND THAT MAY WELL, IN THE END, REFUSE TO BECOME PARTIES TO THE AGREEMENTS ULTIMATELY ACHIEVED.

"THE LAW-MAKING TASK BEFORE THIS CONFERENCE IS TO DEVELOP AND IMPROVE STANDARDS INTENDED TO REDUCE SUFFERING AND PROTECT THOSE WHO CANNOT PROTECT THEMSELVES. BUT THIS TASK ALSO HAS A BROADER PURPOSE--THAT OF ENSURING THAT FEELINGS OF COMPASSION AND BROTHERHOOD ARE NOT DESTROYED IN THE VORTEX OF VIOLENCE THAT IS MODERN WAR. THIS IS A TASK THAT DESERVES THE BEST EFFORT OF WHICH WE ARE CAPABLE. FUTURE GENERATIONS MAY NOT THANK US IF WE SUCCEED (APPRECIATION OF THE CONTRIBUTIONS OF THE PAST IS RARE), BUT THEY WILL SURELY PAY THE PRICE IF WE FAIL. MY CALL TO THIS CONFERENCE, THEN, IS A CALL TO STRUGGLE FOR A GOOD CAUSE, THE CAUSE OF HUMANITY. THE STRUGGLE WILL BE HARD, AND TO

IT MY DELEGATION DEDICATES ALL THE WISDOM AND STRENGTH AT
ITS DISPOSAL."DALE

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